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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,843	02	2/11/2002	Masanori Mukai	1080.1108	8975
21171	7590	02/27/2004		EXAMINER	
STAAS & HALSEY LLP				RODRIGUEZ, JOSEPH C	
SUITE 700 1201 NEW YORK AVENUE, N.W.				ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				3653	
				DATE MAIL ED: 02/27/200	4

Please find below and/or attached an Office communication concerning this application or proceeding.

		/	<u>/</u>				
,	Application N .	Applicant(s)					
.1	10/068,843	MUKAI, MASANORI					
Office Action Summary	Examiner	Art Unit					
	Joseph C Rodriguez	3653					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on	_•						
2a) ☐ This action is FINAL . 2b) ☑ This	action is non-final.						
• •	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) 1-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) Claim(s) 12 is/are allowed. 6) Claim(s) 1-11 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or	vn from consideration.						
Application Papers							
9)☐ The specification is objected to by the Examine 10)☒ The drawing(s) filed on 11 February 2002 is/are Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11)☐ The oath or declaration is objected to by the Ex	e: a)⊠ accepted or b)⊡ objecte drawing(s) be held in abeyance. Sec ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).					
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list 	s have been received. s have been received in Applicati ity documents have been receive (PCT Rule 17.2(a)).	on No ed in this National Stage					
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Date of Informal Pager No(s) Other:	ate atent Application (PTO-152)					

Application/Control Number: 10/068,843

Art Unit: 3653

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding these claims, the use of the language "A paper processing device which includes [including]" (claims 1, 9, 10) coupled with the language "the paper processing device comprising:" renders the claims indefinite as it is unclear what features are part of the preamble, or part of the main claim body. Here, even though Applicant's remarks indicate that the claim body starts after "comprising:" it is still improper to use the language "including" or "which includes" at the beginning of the preamble as this language is transitional phrasing that is normally used to mark the start of the claim body, thus the later use of the additional transitional phrasing "comprising" leads to confusion when interpreting the claim. Examiner recommends replacing the confusing transitional phrasing so that the claim language itself clearly differentiates between the start of the preamble and the start of the main claim body.

Allowable Subject Matter

Claim 12 is allowed.

Claims 1-11 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Here, the feature of a sensor output abnormality detecting portion that detects an abnormal sensor status, wherein the sensor is cleaned by transfer of paper, and the sensor cleaning and the paper processing process are accomplished in parallel render the invention novel and non-obvious over the prior art.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is **703-308-8342**. The examiner can normally be reached on M-F during normal business hours (9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **703-872-9326** (After-Final **703-972-9327**).

The **UnOfficial** fax phone number for the organization where this application or proceeding is assigned is **703-306-2571** or **703-308-6552**.

The examiner's UNOFFICIAL Personal fax number is 703-746-3678.

Application/Control Number: 10/068,843

Art Unit: 3653

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

February 24, 2004

DONALD P. WALSH CUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600 Page 4